

Message Text

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46

ACTION ARA-17

INFO OCT-01 ADP-00 PC-15 IGA-02 SY-10 SSO-00 AID-20 L-03

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FM AMEMBASSY TEGUCIGALPA

TO SECSTATE WASHDC IMMEDIATE 4674

C O N F I D E N T I A L TEGUCIGALPA 2380

E. O. 11652: GDS

TAGS: APER (EDDA ZUNIGA), AFIN, HO

SUBJ: LABOR MINISTRY INQUIRY INTO PEACE CORPS FRAUD CASE

REF: TEGUCIGALPA 2137

1. PEACE CORPS DIRECTOR ABE M. PENA RECEIVED SUMMONS
JUNE 27 REQUIRING HIS APPEARANCE LABOR MINISTRY JUNE
28 FOR " CONCILIATORY" PROCESS INVOLVING A CLAIM MADE
TO MINISTRY BY PEACE CORPS CASHIER EDDA ZUNIGA, WHO IS
SUSPECTED OF INVOLVEMENT IN FRAUD CASE AND HAS BEEN
SUSPENDED PENDING FURTHER INVESTIGATION.
2. PEACE CORPS AGREEMENT IN FORCE BETWEEN US AND HONDURAS
APPARENTLY GIVES DIRECTOR AND US STAFF NO IMMUNITY FROM
GOH JURISDICTION IN CIVIL OR CRIMINAL MATTERS, BUT EMBASSY
RELUCTANT TO HAVE PC INVOLVED IN FORMAL PROCESSING OF
LABOR DISPUTE IF POSSIBLE TO AVOID THIS, AND AT ANY
RATE WOULD WISH FULL INVESTIGATION COMPLETED FIRST IN
ORDER TO HAVE MAXIMUM EVIDENCE AVAILABLE TO SUSTAIN
JUSTIFICATION FOR ANY ADVERSE PERSONNEL ACTION TAKEN IN
MISS ZUNIGA' S CASE.
3. IN EFFORT TO GAIN TIME, EMBASSY HAS DELIVERED THIS
MORNING TO FOREIGN MINISTRY A NOTE REFERRING TO CITATION,
EXPLAINING THAT SUSPENSION ACTION TAKEN NOT BY PC DIRECTOR
BUT BY EMBASSY OFFICERS OF ADMINISTRATIVE SECTION
(TECHNICALLY CORRECT) WHO HAVE DIPLOMATIC STATUS, AND
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REGRETTING THAT THESE OFFICERS WILL NOT BE ABLE TO APPEAR FOR HEARING IN LINE WITH ACCEPTED INTERNATIONAL PROCEDURE WHICH GRANTS THEM IMMUNITY FROM FOREIGN " CRIMINAL, CIVIL AND ADMINISTRATIVE JURISDICTION" (LANGUAGE OF TREATY OF VIENNA). NOTE CONCLUDES BY REQUESTING FOREIGN MINISTRY TO TRANSMIT INFORMATION TO LABOR MINISTRY AND ASSIST IN EXPLAINING CONSIDERATIONS WHICH PROMPT EMBASSY' S POSITION IN MATTER.

4. EMBASSY ACTION, DESIGNED PRIMARILY TO BLOCK PC DIRECTOR' S APPEARANCE TODAY WITHOUT GIVING IMPRESSION OF DISRESPECT OR DISREGARD FOR HONDURAN AUTHORITIES, MAY ONLY SERVE TO DELAY ISSUE. GOH ENTITIES MAY SAY PC DIRECTOR MUST STILL APPEAR AS SUPERVISOR OF SUSPENDED EMPLOYEE WHETHER OR NOT HE SIGNED SUSPENSION ORDER; OR THEY MAY TAKE POSITION THAT INITIAL STEPS IN LABOR MINISTRY PROCESS ARE INFORMAL EFFORT TO BRING DISPUTING PARTIES TOGETHER AND APPEARANCE EVEN OF EMBASSY OFFICERS IS THUS NOT PRECLUDED BY DIPLOMATIC IMMUNITY. (WHILE LATTER POINT MAY HAVE SOME VALIDITY PROCESS ONCE BEGUN WOULD PROBABLY BE DIFFICULT TO STOP AT INFORMAL, NON- ADJUDICATIVE STAGE.)

5. DEPARTMENT' S GUIDANCE REQUESTED SOONEST.
SANCHEZ

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*** Current Handling Restrictions *** n/a

*** Current Classification *** CONFIDENTIAL

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